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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,715	02/12/2001	Michael J. Picciallo	P22,425-E USA	1933

7590

03/31/2005

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EXAMINER

KYLE, CHARLES R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/781,715	<b>Applicant(s)</b> PICCIALLO ET AL.	
	<b>Examiner</b> Charles R Kyle	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/4/01</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed October 4, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the non-patent literature information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-55** recites the limitation "each customer." There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Objections***

**Claims 9, 25 and 49** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It recite the same limit on transaction amount as Claim 1.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4, 9, 12, 16-20, 25, 28, 31-44, 48-49 and 52** are rejected under 35

U.S.C. 102(e) as being anticipated by US 5,845,260 *Nakano et al.*

**With respect to Claim 1**, *Nakano* discloses the invention substantially as claimed including in a system for allocating funds in pre-established accounts (Col. 3, lines 51-63), elements of:

a controller processor programmed:

- (a) to process data (Fig. 1, ele. 1; Col. 2, line 65 to Col. 3, line 10) ;
- (b) to create for each customer a customer account file (Col. 3, lines 51-63); and
- (c) to transfer funds from customer account files to vendors of audio and video entertainment (Col. 4, line 8) in the form of goods and services, in response to customer command instructions (Col. 3, lines 11-35; Col. 4, line 54 to Col. 5, line 43; Abstract);

an input device for supplying command instructions to said controller processor (Fig. 1, ele. 3; Col. 3, lines 36-50); and

a data storage device associated with said controller processor in which file records of said customer account files created by said controller processor are stored, including information on the amounts of funds deposited for said customer (Fig. 3, ele. 2; Col. 3, line 51 to Col. 4, line 7);

wherein said controller processor is programmed to process and store information in said storage device for each customer account, in response to command instructions from fund depositors (Fig. 6; Col. 6, lines 11-57), limiting how said funds may be spent on said audio and video entertainment, wherein said limit on said funds is either a limit on transaction amount on which said funds may be spent (Abstract, Summary of the Invention, at least).

As to the feature wherein a transaction amount is limited, the Examiner notes that such a transaction limit is imposed when a limited amount is placed in the customer account; a \$50 balance in the account means a transaction is limited to \$50.

**With respect to Claims 2-4,** *Nakano* discloses periodic monthly statements showing funds transfers at Col. 3, lines 11-35. Storage of such information would be inherent to produce such statements.

**With respect to Claims 9 and 25,** see the discussion of Claims 1 and 16.

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**With respect to Claims 12 and 28 and 52**, *Nakano* discloses providing a video game at Fig. 4 and Col. 4, line 54 to Col 5, line 42 and movies at Col. 4, lines 8-25.

**With respect to Claim 16**, it recites a subset of the limitations of Claim 1, is in method form, and is rejected in a like manner.

**With respect to Claim 17-20**, see the discussion of Claims 16 and 2-4.

**With respect to Claims 41-44**, see the discussion of Claims 1-4.

**With respect to Claim 48**, see the discussion of Claim 41 and 1.

**As to Claim 49**, see the discussion of Claim 48 and 9.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5-8, 10-11, 10-11, 21-24, 26-27, 32-40, 45-46, 48 and 50-51** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,845,260 *Nakano et al* in view of US 5,168,372 *Sweetser et al*.

**With respect to Claims 5, 24 and 47** *Nakano* does not specifically disclose subsidiary accounts. *Sweetser* discloses several such accounts for several customers (children) at Col. 20 to Col. 8, line 32, at least. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Nakano* with the subsidiary accounts of *Sweetser* too allow a depositor (parent) to distribute a larger limited amount of viewing capacity among several

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customers (children) because this would provide a convenient central repository for the depositor to work from.

**With respect to Claims 6-8, *Nakano* discloses the invention substantially as claimed.**

See the discussion of Claim 1. *Nakano* discloses deposit of funds to enable video watching by a customer. *Nakano* does not specifically disclose that such deposit is done on a weekly basis.

*Sweetser* discloses this limitation at Abstract and Col. 6, line 31 to Col. 7, line 20. The funds are made available "automatically" during the week by the system.

**With respect to Claims 10-11 and 26-27, *Sweetser* further discloses a periodic limit of a week at Abstract.**

**With respect to Claims 21-23, see the discussion of Claims 16 and 6-8.**

**With respect to Claim 32, see the discussion of Claims 1 and 6.**

**With respect to Claims 33-34, see the discussion of Claim 32 and 2-3.**

**With respect to Claim 35, see the discussion of Claim 32 and 5.**

**With respect to Claims 36-38, see the discussion of Claim 32 and 6-8.**

**With respect to Claim 39, see the discussion of Claim 32 and 12.**

**With respect to Claim 40, see the discussion of Claim 32 and 13.**

**With respect to Claim 45-46, see the discussion of Claim 41 and 6-8.**

**With respect to Claims 50-51, see the discussion of Claims 49 and 10-11.**

**Claims 13-15, 29-31 and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,845,260 *Nakano et al* in view of US 5,485,519 *Hunter et al*.**

**With respect to Claims 13-15,** *Nakano* discloses the invention substantially as claimed. See the discussion of Claim 1. *Nakano* does not specifically disclose that a content rating for viewing is limited for customers. *Hunter* discloses this limitation at Abstract and Summary of the Invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Nakano* to include the limiting of content rating of *Hunter* by restricting the use of customer funds because this would allow the depositor (e.g., parent) a tool to prevent viewing of objectionable materials by a customer (child). As to the limitation reciting a videotape format for entertainment, Official Notice is taken that such a format is old and well known for providing entertainment to children.

**With respect to Claims 29-31,** see the discussion of Claims 16 and 13-15.

**With respect to Claims 53-55,** see the discussion of Claims 41 and 13-15.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk  
March 22, 2005

Examiner Charles Kyle

A handwritten signature in cursive script, appearing to read "Charles Kyle", with a stylized flourish at the end.